

RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL (THE "GOVERNING BODY") OF THE CITY OF DIAMONDHEAD, MISSISSIPPI (THE CITY), TO VACATE AND/OR ABANDON A 5' DRAINAGE/UTILITY EASEMENT ON EACH SIDE OF THE COMMON PROPERTY LINE BETWEEN LOTS 33 and 34, DIAMONDHEAD PHASE 2, UNIT 10, BLOCK 1 HANCOCK COUNTY LOCATED WITHIN THE CITY

WHEREAS, the Mayor and City Council (the Governing Body) of the City of Diamondhead, Mississippi (the City), acting for and on behalf of the City, hereby finds and determines as follows:

1. The City currently has a 5' drainage/utility easement on each side of the common property line between Lots 33 and 34, Diamondhead Phase 2, Unit 10, Block 1 (see attached survey from Duke Levy as Exhibit A).
2. Ray and Rose Lemmler are the owner of Lots 33 and 34, Diamondhead Phase 2, Unit 10, Block 1. The parcel number is 068R-2-41-179.000. The physical street address is 736 Kalipekona Court.
3. Further, the City hereby abandons and/or vacates the drainage/utility easements for the full width and length as petitioned except for the front and rear drainage and utility easement. These drainage/utility easements are 5' drainage and utility easements on each side of the common property line between Lots 33 and 34, Diamondhead Phase 2, Unit 10, Block 1.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY, AS FOLLOWS:

SECTION 1. That the Governing Body of the City will hereby abandon the selected drainage/utility easements with respect to Lots 33 and 34 described in bullet #3. Diamondhead Public Works, Diamondhead Water & Sewer and CEPA do not have objections.

SECTION 2. It is agreed and understood that Ray and Rose Lemmler or their representative will be responsible for the filing of all necessary documents with the Chancery Clerk of Hancock County, Mississippi.

The above and foregoing resolution, after having been first reduced to writing introduced by Councilmember Morgan, seconded by Councilmember Clark and the question being put to a roll call vote, the result was as follows:

Resolution 2021-001
Agenda Item 2021-007

| | Aye | Nay | Absent |
|------------------------|-------------------------------------|-----|--------|
| Councilmember Finley | <input checked="" type="checkbox"/> | ___ | ___ |
| Councilmember Moran | <input checked="" type="checkbox"/> | ___ | ___ |
| Councilmember Morgan | <input checked="" type="checkbox"/> | ___ | ___ |
| Councilmember Clarke | <input checked="" type="checkbox"/> | ___ | ___ |
| Councilmember L'Ecuyer | <input checked="" type="checkbox"/> | ___ | ___ |
| Mayor Depreo | <input checked="" type="checkbox"/> | ___ | ___ |

The motion having received the affirmative vote of a majority of all of the members of the Governing Body, the Mayor declared the motion carried and the resolution adopted, this the 14th day of January, 2021.

Nancy Depreo
MAYOR

ATTEST:
Channie Klein
CITY CLERK



Hancock County
I certify this instrument was filed on
01-11-2021 11:08:59 AM
and recorded in Deed Book
2021 at pages 373 - 374
Timothy A Kellar